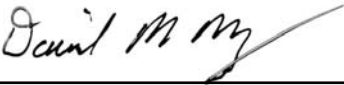


**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 7	Number 23	Effective Date 10/01/08	Review Date 2011
Subject SERVICES FOR WITNESSES AND VICTIMS OF VIOLENT CRIMES			☐ New Order ☒ Replaces G.O.104-5 (11/12/04)
References CALEA 55.1.1, 55.2.1a, 55.2.1b, 55.2.2, 55.2.3a, 55.2.3b, 55.2.3c, 55.2.3d, 55.2.4a, 55.2.4b, 55.2.4c, 55.2.4d, 55.2.4e, 55.2.5, 81.2.7 VLEPSC ADM.23.01, ADM.23.02a, ADM.23.02b, ADM.23.02c, ADM.23.02d, ADM.23.02e, ADM.23.02f, ADM.23.03a, ADM.23.03b, ADM.23.03c, OPR.07.09a Code of Virginia §18.2-46.2, 18.2-46.3, 19.2-11.01, 19.2-11.2 General Order 7-22			
 _____ Chief of Police or Designee		10/01/08 _____ Date	

I. PURPOSE

The purpose of this directive is to provide the proper information to Richmond Police Department members when advising citizens of services for witnesses and victims of violent crimes.

II. BACKGROUND

A. VA Code §19.2-11.2, Crime victim's right to non-disclosure of certain information; exceptions; testimonial privilege:

1. Upon request of any **witness in a gang crime prosecution under VA Code §18.2-46.2 or 18.2-46.3, or any** crime victim, neither a law enforcement agency, the Commonwealth's Attorney, **counsel for the defendant**, a court nor the Department of Corrections, nor any employee of any of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the victim or a member of the **witness' or** victim's family, except to the extent that disclosure is: of the site of the crime, required by law or Rules of the Supreme Court, necessary for law enforcement purposes **or preparation for court proceedings**, or permitted by the court for good cause.
2. Except with the written consent of the victim, a law enforcement agency may not disclose to the public information which directly or indirectly identifies the victim of a crime involving any sexual assault or abuse, except to the extent that disclosure is: of the site of the crime, required

by law, necessary for law enforcement purposes, or permitted by the court for good cause.

3. Nothing herein shall limit the right to examine witnesses in a court of law or otherwise affect the conduct of any criminal proceedings.

B. Virginia Crime Victim and Witness Rights Act (VA Code §19.2-11.01):

1. The purpose of this law is to ensure that victims and witnesses of crime are provided with the following:
 - a) Opportunities to make the courts aware of the full impact of the crime;
 - b) Dignity, respect, sensitivity and the protection of their privacy where the law applies;
 - c) Information as to their rights; and,
 - d) The opportunity to be heard at critical stages of the criminal justice process.
2. Areas of Assistance Available:
 - a) Victim and Witness Protection;
 - b) Financial Assistance;
 - c) Victim Input; **and**,
 - d) Courtroom Assistance.
3. Contact Information:

Victim Services Section
Department of Criminal Justice Services
202 N. 9th Street
Richmond, Virginia 23219
(804) 786-4000
(888) 887-3418
www.dcjs.org

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. PROCEDURE

A. *Victim/Witness Request for Assistance:*

When a request for assistance services is received from a victim or witness by the Division of Emergency Communications (DEC), the Communications Officer will determine whether the request is an initial or follow-up request and whether an emergency or non-emergency response is required.

- a) Emergency – The Communications Officer will handle the request in accordance with established Department procedures for emergency calls for service.*
- b) Non-Emergency/Follow-up Request – The Communications Officer shall forward the call to the appropriate investigating officer or Division for assistance.*

B. Investigations:

- 1. During a “preliminary investigation”, members of the Richmond Police Department shall provide the following to the victim or witness:
 - a) Information about applicable services such as medical services, compensation programs, counseling, legal services, etc.;
 - b) Advice about what to do if the suspect or suspect’s companions or family threatens or otherwise intimidates him or her;
 - c) Information about the case number and subsequent steps in the processing of the case;
 - d) The telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case;
 - e) Information about petitioning for an emergency protective order; and,
 - f) Transportation for victims to safe places or medical facilities, if necessary.

NOTE: Members of the Richmond Police Department shall, as soon as practicable after identifying a victim of a crime, provide the victim or witness with a “Crime Victim and Witness Rights” brochure. Victims, as recognized by the Victims Bill of Rights, include anyone who suffers physical, emotional or financial harm as a direct result of a felony or certain misdemeanors. (The included misdemeanors are: assault and battery, assault and battery against a family or household member, stalking, sexual battery, attempted sexual battery and driving while intoxicated.) The definition of victim includes: Spouses and children of all victims; parents and guardians of minor victims;

parents, guardians and siblings of mentally or physically incapacitated victims or victims of homicide; and, foster parents or other caregivers, under certain circumstances.

Additional brochures may be obtained from the Commonwealth's Attorney's Office's Victim Witness Coordinator or downloaded from:

<http://www.dcjs.virginia.gov/victims/documents/victimsWitnessRightsActSummary.pdf>

2. During a "follow-up investigation", members of the Richmond Police Department shall:

- a) If not detrimental to the successful prosecution of the case, ***provide victims/witnesses with*** an explanation of the procedures involved in the case and his/her role in those procedures;
- b) If feasible, schedule line-ups, interviews and other required appearances at the convenience of the victim/witness and provide transportation, if appropriate;
- c) ***If feasible, promptly return victim/witness property taken as evidence where permitted by law, rules of evidence and Property & Evidence Unit procedures;***
- d) ***Contact the victim/witness periodically to determine whether their needs are being met in instances where the impact of a crime is unusually severe; and,***
- e) ***Advise the victim/witness that a full-time Victim/Witness Coordinator (Advocate) is available through the Commonwealth's Attorney's Office's Victim/Witness Program.***

3. ***Post-Arrest Information:***

- a) ***When possible, the investigating officer shall notify the victim/witness when a suspect is arrested, the specific charges placed and the custody status of the arrestee immediately after the arrest (jailed, bonded, released on recognizance, etc.); and,***
- b) ***Appropriate assistance shall be provided to victims and witnesses who are threatened or express specific, credible reasons for fearing intimidation or further victimization. "Appropriate assistance" should be determined by the nature of the case and resources available to the Department.***

C. Department of Rehabilitative Services:

- 1. Police personnel should advise citizens who are disabled as a result of a violent crime that they may be eligible for services from the Virginia Department of Rehabilitative Services. Services include physical

examinations, guidance and counseling, vocational evaluation and training, medical care, artificial appliances, transportation, job placement and follow-up.

2. Public Safety personnel, who are disabled by a violent crime, can also receive the above listed benefits.

3. Contact Information:

Department of Rehabilitative Services
2930 W. Broad Street, Suite 15
Richmond, Virginia 23220
(804) 367-0175

www.vadrs.org

D. Richmond Victim/Witness Services Program:

1. The Richmond Commonwealth's Attorney's Office currently has a Victim and Witness Service Center operating from both Circuit Courts and the Juvenile and Domestic Relations Court. The purpose of this program is to make the criminal justice system more responsive to the citizens of Richmond. Services and assistance are available to victims and witnesses of crimes, including:

- a) Immediate Needs – Referrals to appropriate sources for emergency food or clothing;
- b) Compensation Assistance – Assistance in completing claims forms, including the Virginia Crime Act Form;
- c) Funeral Assistance;
- d) Directing/referring victims/witnesses to appropriate law enforcement if protection and relocation are needed; **and**,
- e) Support and referral to appropriate local agencies.

2. Other Services include:

- a) Keeping witnesses informed about the status of their case(s);
- b) Circuit Court North - 24 hour Docket Information Website (www.courts.state.va.us); **and**,
- c) Problem Solving - Assisting witnesses with such things as escorts, transportation, judicial proceedings and victim's rights.

3. Contact Information:

Victim/Witness Program
John Marshall Courts Building

400 N. 9th Street, 2nd Floor
(804) 646-7665 (Main Number)

Commonwealth's Attorney's Office
905 Decatur Street, Room 115
(804) 646-8704

Juvenile and Domestic Relations Court
Commonwealth's Attorney's Office
1600 *Oliver Hill Way*
(804) 646-2950

4. *Witness Protection Fund:*

- a. *The Witness Protection Fund shall be maintained by the Commander of the Major Crimes Division or designee;*
- b. *Funds shall only be available for use for witness protection related issues and expenses; and,*
- c. *The Witness Protection Fund shall be audited quarterly by the OIC of the Internal Affairs Division or designee pursuant to guidelines set forth in General Order 7-22, Inspections.*

V. ROLES AND ACCOUNTABILITY

A. *Division of Emergency Communication Officer (DEC) shall:*

Determine whether the request is an initial or follow-up request and determine whether an emergency or non-emergency response is required:

- 1. *Emergency – the request will be handled in accordance with established Department procedures for emergency calls for service.*
- 2. *Non-Emergency/Follow-up Request – the request will be forwarded to the appropriate investigating officer or Division for assistance.*

B. *Investigating Officer shall:*

- 1. *Provide the following to the victim or witness during a “preliminary investigation”:*
 - a) *Information about applicable services;*
 - b) *Advice on what to do if any companion of the suspect threatens or intimidates him or her;*
 - c) *Information on processing the case to include the case number;*

- d) *The telephone number to report additional information or receive the status of the case;*
 - e) *A “Crime Victim and Witness Rights” brochure;*
 - f) *Information on petitioning for an emergency protective order; and,*
 - g) *Transportation to safe places or medical facilities, if necessary.*
2. *Provide the following to the victim or witness during a “follow-up investigation”:*
- a) *An explanation for the procedures involved in the case, if not detrimental to the case;*
 - b) *Schedule line-ups, interviews and other required appearances;*
 - c) *Provide transportation, if appropriate;*
 - d) *Return property taken as evidence where permitted by law;*
 - e) *Periodically contact the victim/witness to determine whether their needs are being met in cases where a crime is unusually severe; and,*
 - f) *Advise that a full-time Victim/Witness Coordinator is available through the Commonwealth’s Attorney’s Office.*
3. *Provide the following to the victim or witness during a “post-arrest”:*
- a) *Notification when a suspect is arrested, to include specific charges places, the custody status, etc.; and,*
 - b) *Appropriate assistance should be determined by the nature of the case and resources available to the victim/witness who are threatened or express credible reasons for fearing intimidation or further victimization.*
4. *Advise citizens and public safety personnel who are disabled as a result of a violent crime that they may be eligible for services from the Virginia Department of Rehabilitative Services.*
- C. *Richmond Victim/Witness Services Program provides the following services:*
- 1. *Referral for emergency food or clothing;*
 - 2. *Compensation assistance, by completing a claim form and Virginia Crime Act Form;*
 - 3. *Funeral Assistance;*

4. *Protection and relocation needs;*
5. *Support and referral to appropriate local agencies;*
6. *Information about the status of case; and,*
7. *Problem Solving – Assisting with escorts, transportation, judicial proceeding and victim's rights.*

D. *OIC, Major Crimes or designee shall:*

Ensure Witness Protection Fund is available for use for witness protection related issues and expenses.

E. *OIC, Internal Affairs Division or designee shall:*

Audit Witness Protection Fund on a quarterly basis pursuant to guidelines set forth in General Order 7-22, Inspections.